



Learning and Skills Act 2000

2000 CHAPTER 21

PART II

[^{F1}FURTHER EDUCATION AND SIXTH FORM EDUCATION: WALES]

Main powers

34 Provision of financial resources.

- (1) The [^{F1}Welsh Ministers] may secure the provision of financial resources to—
- (a) persons providing or proposing to provide post-16 education or training;
 - (b) persons providing or proposing to provide goods or services in connection with the provision by others of post-16 education or training;
 - (c) persons receiving or proposing to receive post-16 education or training;
 - (d) persons providing or proposing to provide courses falling within paragraph 1(g) or (h) of Schedule 6 to the ^{M1}Education Reform Act 1988 (courses in preparation for professional examinations at a higher level or providing education at a higher level);
 - (e) institutions within the further or higher education sector (within the meaning of section 91 of the ^{M2}Further and Higher Education Act 1992) which provide or propose to provide secondary education (other than post-16 education);
 - (f) persons undertaking or proposing to undertake research relating to education or training;
 - (g) persons providing or proposing to provide facilities designed to form links between (on the one hand) employers and (on the other) persons who provide or receive education or training;
 - (h) persons carrying out means tests under arrangements made under section 37;
 - (i) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) The [^{F1}Welsh Ministers] may secure the provision of financial resources under subsection (1)—

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- (a) by providing resources [^{F2}themselves];
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the [^{F1}Welsh Ministers]).
- (3) In exercising [^{F3}their power] under subsection (1)(c) the [^{F1}Welsh Ministers] may secure the provision of financial resources by reference to any fees or charges payable by the person receiving or proposing to receive the education or training or to any other matter (such as transport or childcare).

Textual Amendments

- F1** Words in s. 34 substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); [S.I. 2011/97](#), art. 2(1)(p)
- F2** Word in s. 34(2)(a) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 6\(a\)](#); [S.I. 2011/97](#), art. 2(1)(p)
- F3** Words in s. 34(3) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 6\(b\)](#); [S.I. 2011/97](#), art. 2(1)(p)

Commencement Information

- I1** S. 34 not in force at Royal Assent see s. 154; s. 34 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#)

Marginal Citations

- M1** 1988 c. 40.
- M2** 1992 c. 13.

35 Financial resources: conditions.

- (1) If the [^{F4}Welsh Ministers themselves provide] financial resources [^{F5}under section 34][^{F6}they may impose] conditions; and the conditions may include any provisions described below.
- (2) The conditions may—
- (a) require the [^{F7}Welsh Ministers] or a person designated [^{F8}by them] to be allowed access to a person's accounts and documents and to be given rights in relation to a person's computers and associated apparatus and material;
 - (b) require a person to whom financial resources are provided to give to the [^{F7}Welsh Ministers] information [^{F9}they request] for the purpose of carrying out [^{F10}their functions].
- (3) The conditions may require a person providing or proposing to provide education or training (the provider) to make arrangements providing for all or any of the following—
- (a) for the provider to charge fees by reference to specified criteria;
 - (b) for the provider to make awards by reference to specified criteria;
 - (c) for the provider to recover amounts from persons receiving education or training or from employers (or from both);
 - (d) for amounts to be determined by reference to specified criteria where provision is made under paragraph (c);

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- (e) for specified exemptions to operate where provision is made under paragraph (c);
 - (f) for the provider to make provision specified in a report of an assessment conducted under section ^{F11}... 140.
- (4) ^{F12}
- (5) The conditions may—
- (a) enable the [^{F13}Welsh Ministers] to require the repayment (in whole or part) of sums paid by the [^{F14}National Assembly] if any of the conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period in which a sum due to the [^{F14}National Assembly] in accordance with any condition is unpaid.
- (6) ^{F12}

Textual Amendments

- F4** Words in s. 35(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(a\)\(i\)](#); S.I. 2011/97, art. 2(1)(p)
- F5** Words in s. 35(1) inserted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 55\(a\)\(ii\)](#) (with art. 7)
- F6** Words in s. 35(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(a\)\(ii\)](#); S.I. 2011/97, art. 2(1)(p)
- F7** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); S.I. 2011/97, art. 2(1)(p)
- F8** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(b\)\(i\)](#); S.I. 2011/97, art. 2(1)(p)
- F9** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(b\)\(ii\)](#); S.I. 2011/97, art. 2(1)(p)
- F10** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(b\)\(iii\)](#); S.I. 2011/97, art. 2(1)(p)
- F11** Words in s. 35(3)(f) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 72](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F12** S. 35(4)(6) repealed (1.9.2002) by [2001 c. 10](#), ss. 34(8), 42(6), [Sch. 9](#) (with s. 43(13)); S.I. 2002/2217, [art. 3](#), [Sch. 1 Pt. 1](#)
- F13** Words in s. 35(5) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); S.I. 2011/97, art. 2(1)(p)
- F14** Words in s. 35(5) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 55\(c\)](#) (with art. 7)

Commencement Information

- I2** S. 35 not in force at Royal Assent see s. 154; s. 35 in force for W. at 1.4.2001 by S.I. 2001/1274, [art. 2](#), [Sch. Pt. I](#)

36 Funding of school sixth-forms.

- (1) The [^{F15}Welsh Ministers] may make a grant to a [^{F16}local authority]—

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- (a) on the condition that the grant be applied as part of the authority's ^[F17]schools budget] for a ^[F18]funding period], and
 - (b) with a view to the grant being used for the purposes of, or for purposes connected with, the provision by schools of education suitable to the requirements of persons above compulsory school age.
- (2) A grant made under this section may be made on conditions in addition to the condition mentioned in subsection (1)(a) (including conditions of a kind which could be imposed under section 35).
- ^[F19](3) In this section—
- “ funding period ” means a financial year or, if some other period is prescribed in relation to Wales under subsection (1B) of section 45 of the School Standards and Framework Act 1998 (maintained schools to have budget shares), that other period;
- ^[F20]“ local authority ” means a local authority in Wales (within the meaning of section 579(1) of the Education Act 1996);
- “ schools budget ” has the same meaning as in Part 2 of that Act (framework for maintained schools).]

Textual Amendments

- F15** Words in s. 36(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); [S.I. 2011/97](#), art. 2(1)(p)
- F16** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 46\(2\)](#)
- F17** Words in s. 36(1)(a) substituted (4.12.2003 for W., 6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 125\(2\)](#) (with [ss. 210\(8\), 214\(4\)](#); [S.I. 2003/2959](#), regs. 1(1), 5); [S.I. 2003/2961](#), art. 5, [Sch. Pt. 2](#); [S.I. 2006/2895](#), art. 2
- F18** Words in s. 36(1)(a) substituted (1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 13\(2\)](#) (with [s. 119](#)); [S.I. 2010/735](#), art. 2(e)
- F19** S. 36(3) substituted (1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 13\(3\)](#) (with [s. 119](#)); [S.I. 2010/735](#), art. 2(e)
- F20** Words in s. 36(3) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 46\(3\)](#)

Commencement Information

- I3** S. 36 not in force at Royal Assent see s. 154; s. 36 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

37 Assessments and means tests.

- (1) The ^[F21]Welsh Ministers] may develop schemes for the assessment of the performance of persons in providing post-16 education and training.
- (2) The ^[F21]Welsh Ministers] may take the assessments into account in deciding how to exercise ^[F22]their powers] under section 34.
- (3) The ^[F21]Welsh Ministers] may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (4) The ^[F21]Welsh Ministers] may take the results of the tests into account in exercising ^[F23]their power] under section 34(1)(c).

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Textual Amendments

- F21** Words in s. 37 substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); S.I. 2011/97, art. 2(1)(p)
- F22** Words in s. 37(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 8\(a\)](#); S.I. 2011/97, art. 2(1)(p)
- F23** Words in s. 37(4) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 8\(b\)](#); S.I. 2011/97, art. 2(1)(p)

Commencement Information

- I4** S. 37 not in force at Royal Assent see s. 154; s. 37 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

38 Qualifying accounts and arrangements.

- (1) The [^{F24}Welsh Ministers] may promote—
- (a) the holding of accounts which qualify under section 104;
 - (b) the making of arrangements which qualify under section 105.

^{F25}(2)

Textual Amendments

- F24** Words in s. 38(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); S.I. 2011/97, art. 2(1)(p)
- F25** S. 38(2) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 58\(b\)](#) (with art. 7)

Commencement Information

- I5** S. 38 not in force at Royal Assent see s. 154; s. 38 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

^{F26}39 Further education: governors.

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Textual Amendments

- F26** S. 39 omitted (1.9.2014) by virtue of [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 2 para. 2\(a\)](#); S.I. 2014/1706, art. 3(h)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3A-3D inserted by [2006 c. 40 s. 75\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 75 repealed (1.4.2010) without ever being in force by 2009 c. 22, Sch. 6 para. 59, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 3A-3D repealed by [2009 c. 22 Sch. 16 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of ss. 3A-3D never came into force and the inserting provision 2006 c. 40, s. 75 was repealed (1.4.2010) by 2009 c. 22, Sch. 6 para. 59, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 3D(6) words substituted by [2007 c. 25 Sch. 1 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of ss. 3A-3D never came into force and the inserting provision 2006 c. 40, s. 75 was repealed (1.4.2010) by 2009 c. 22, Sch. 6 para. 59, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 18(9) added by 2009 c. 22 Sch. 2 para. 46(2B) (as modified) (cond.) by [S.I. 2010/1158 Sch. 4 para. 4\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 18 already repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 35, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 18C(9) added by 2009 c. 22 Sch. 2 para. 46(2C) (as modified) (cond.) by [S.I. 2010/1158 Sch. 4 para. 4\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 18C already repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 36, 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 33D(3A) inserted by [2022 asc 1 Sch. 4 para. 14\(6\)](#)
- s. 33E(3A) inserted by [2022 asc 1 Sch. 4 para. 14\(7\)\(a\)](#)
- s. 33G(6) inserted by [2022 asc 1 Sch. 4 para. 14\(8\)](#)
- s. 33I(6) inserted by [2022 asc 1 Sch. 4 para. 14\(9\)](#)
- s. 33L(2A) inserted by [2022 asc 1 Sch. 4 para. 14\(12\)](#)
- s. 33M(1) s. 33M renumbered as s. 33M(1) by [2022 asc 1 Sch. 4 para. 14\(13\)](#)
- s. 33M(2) inserted by [2022 asc 1 Sch. 4 para. 14\(13\)](#)
- s. 33P(4) inserted by [2022 asc 1 Sch. 4 para. 14\(16\)\(b\)](#)
- s. 33Q(4) inserted by [2022 asc 1 Sch. 4 para. 14\(17\)\(b\)](#)
- s. 99(2A) inserted by [2008 c. 25 s. 160\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 160(2) repealed (1.4.2010) without ever being in force by 2009 c. 22, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 99(2A) repealed by [2009 c. 22 Sch. 6 para. 45\(3\)Sch. 16 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). S. 99(2A) was never inserted and the inserting provision 2008 c. 25, s. 160(2) was repealed (1.4.2010) without ever being in force by 2009 c. 22, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 125(2)(aa) inserted by [2022 asc 1 Sch. 4 para. 14\(24\)](#)
- s. 138(3)(ca) inserted by [2022 asc 1 Sch. 4 para. 14\(26\)](#)